



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/910,429

07/20/2001

Robert T. Baum

VE23.28

2654

25537 7590 06/10/2010

VERIZON
PATENT MANAGEMENT GROUP
1320 North Court House Road
9th Floor
ARLINGTON, VA 22201-2909

EXAMINER

PYZOCHA, MICHAEL J

ART UNIT

PAPER NUMBER

2437

NOTIFICATION DATE

DELIVERY MODE

06/10/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@verizon.com

Office Action Summary	Application No. 09/910,429	Applicant(s) BAUM, ROBERT T.	
	Examiner MICHAEL PYZOSHA	Art Unit 2437	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24, 26-28 and 30-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24, 26-28 and 30-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/24/08</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-24, 26-28, and 30-38 are pending.
2. In view of the Appeal Brief filed on 06/10/2008, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Emmanuel L. Moise/

Supervisory Patent Examiner, Art Unit 2437.

Information Disclosure Statement

3. The information disclosure statement filed 04/24/2008 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 7, 11, 14-17, 21-24, 26-28 and 30-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schell et al. (US 6477648) in view of Ames et al. (US 7222188).

As per claims 1 and 33, Schell et al. discloses receiving a packet having at least a part of layer 2 header information with a unique bit string (see column 4 lines 55-67 where the address is a unique bit string and column 3 lines 1-19); examining at least a part of the unique bit string see column 4 line 65 through column 5 line 4); comparing the at least a part of the unique bit string examined with stored information (see column 5 lines 4-13); and authenticating the party only if the at least a part of the unique bit string examined matches the stored information (see column 5 lines 13-21).

Schell et al. fails to disclose that the packet has at least part of layer 3 header information replaced with a unique bit string.

However, Ames et al. teaches a packet has at least part of layer 3 header information replaced with a unique bit string (see column 3 lines 53-60).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for the packets of Schell et al. to have a portion of its layer 2 header information to be replaced.

Motivation to do so would have been to allow for proxy forwarding (see Ames et al. column 3 lines 53-60).

As per claims 14, 15, 22 and 23, the modified Schell et al. and Ames et al. system discloses the unique bit string is provisioned and controlled by a network service provider (see Ames et al. column 3 lines 53-60).

As per claim 16, the modified Schell et al. and Ames et al. system discloses the act of authentication does not require the transmission of any authentication information from the party (see Schell et al. column 3 lines 1-19).

As per claims 7, 11, 17, 21, 24, 28 and 32, the modified Schell et al. and Ames et al. system discloses receiving a packet having at least a part of layer 2 header information replaced with a unique bit string (see Schell et al. column 4 lines 55-67 where the address is a unique bit string and column 3 lines 1-19 and Ames et al. column 3 lines 53-60); examining at least a part of the unique bit string (see Schell et al. column 4 line 65 through column 5 line 4); comparing the at least a part of the unique bit string examined with stored information (see Schell et al. column 5 lines 4-13); and authenticating the party only if the at least a part of the unique bit string examined matches the stored information where no other information is needed to authenticate the party (see Schell et al. column 5 lines 13-21) and determining the network ingress location from the at least part of the unique bit (see Schell et al. column 3 lines 1-19).

As per claims 26, 27, 30 and 31, the modified Schell et al. and Ames et al. system discloses the unique bit string is maintained as the packet is communicated within the network (see Ames et al. column 3 lines 53-60) and it identifies a logical port at which the packet entered the network (see Ames et al. column 3 lines 53-60 the MAC address).

As per claims 2 and 34-36, the modified Schell et al. and Ames et al. system discloses means for approving the transaction, an output for forwarding an authentication and authorization response to the transaction facility (see Schell et al. column 4 line 55 through column 5 line 21).

As per claims 37 and 38, the modified Schell et al. and Ames et al. system discloses the layer 2 header information is one of data link layer header, a network access layer header and a MAC header (see Schell et al. column 3 lines 1-19 and Ames et al. column 3 lines 53-60).

6. Claims 3-6, 8-10, 12, 13 and 18-20, are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Schell et al. and Ames et al. system as applied to claims above, and further in view of Camp et al. (US 6317729).

As per claims 3-6, 8-10, 12, 13 and 18-20, the modified Schell et al. and Ames et al. system fails to explicitly disclose the unique bit string depends on the type of transaction, where the type depends on amounts of money or addresses; the individual a group; and a customer.

However, Camp et al. teaches such unique information (see column 9 line 52 through column 10 line 5).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the information of Camp et al information as part of the unique bit string of the modified Schell et al. and Ames et al. system.

Motivation to do so would have been to include information about the buyer in the transaction (see Camp et al. column 9 line 52 through column 10 line 5).

Response to Arguments

7. Applicant's arguments with respect to claims 1-24, 26-28, and 30-38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chin teaches a unique identifier in a header.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PYZOCHA whose telephone number is (571)272-3875. The examiner can normally be reached on Monday-Thursday, 7:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone

Art Unit: 2437

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Michael Pyzocha/
Primary Examiner, Art Unit 2437

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2437